

FILED

JUL 26 2006

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

**CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS**

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

GUSTAVO REYES,

Defendant - Appellant.

No. 05-10368

D.C. No. CR-04-05165-OWW

MEMORANDUM*

Appeal from the United States District Court
for the Eastern District of California
Oliver W. Wanger, District Judge, Presiding

Submitted July 24, 2006**

Before: ALARCÓN, HAWKINS, and THOMAS, Circuit Judges.

Gustavo Reyes appeals from his jury-trial conviction and 78-month sentence for possession with intent to distribute cocaine base and marijuana, in violation of 21 U.S.C. § 841(a).

Pursuant to *Anders v. California*, 386 U.S. 738 (1967), counsel for Reyes

* This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by 9th Cir. R. 36-3.

** This panel unanimously finds this case suitable for decision without oral argument. See Fed. R. App. P. 34(a)(2).

has filed a brief stating there are no grounds for relief, and a motion to withdraw as counsel of record. Reyes filed a pro se supplemental brief.

Our independent review of the briefs and the record, pursuant to *Penson v. Ohio*, 488 U.S. 75, 83 (1988), discloses no grounds for relief.

Counsel's motion to withdraw is **GRANTED**, and the district court's judgment is **AFFIRMED**.